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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,607	04/05/2001	Sanjay Pujare	OMNI0005	4038
20995	7590	05/24/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			SHIN, KYUNG H	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR				
IRVINE, CA 92614			2143	
DATE MAILED: 05/24/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/826,607	PUJARE, ET AL.	
	Examiner Kyung H. Shin	Art Unit 2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 23 December 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-52 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-52 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/22/05

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Response to Amendment

1. This action is responding to application papers dated 12/21/2004.
2. Claims 1 - 52 are pending. **Claims 40-52 are new.** Independent claims are 1, 14, 27, 40.

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.
 - 3.1. Applicant argues that the prior art does not disclose the usage of parameterized configuration data which is utilized within installation and update procedures. Cheng (US 6,457,076) in view of Mayer (US 20020019864) discloses parameterized configuration data suitable for streaming between system. (see Mayer Paragraph [0067], lines 5-7; Paragraph [0077], lines 6-7; Paragraph [0092], lines 1-4: parameterized configuration data)

Claim Rejections 35 USC § 103

4. **Claims 1 - 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al. (US Patent No. 6,457,076) in view of Mayer (PGPUB No. 20020019864) and further in view of Eylon et al. (US Patent No. 6,574,618).**

Regarding Claims 1, 14, 27, 40, Cheng discloses a process, apparatus, method for converting a conventionally coded computer application program into a data set suitable for streamed delivery across a network from a server and concurrent execution on a client in a computer environment, comprising the steps of:

- a) providing installation monitoring means for monitoring an installation process of said conventionally coded application program on a local computer system; (see Cheng col. 8, lines 62-66)
- b) wherein said installation monitoring means monitors system registry modifications that said installation process makes to certain file paths in a system registry of said local computer system; (see Cheng col. 9, lines 6-10: where tracks changes made to registry (reference's configuration) data)
- c) Cheng disclose a configuration management system. (see Cheng col. 14, lines 8-15; col. 14, lines 38-41: where registry (i.e. configuration) keys in modification data) Cheng does not disclose parameterization of configuration data. However, Mayer discloses parameterizing said system registry modifications by replacing certain of said file paths in said system registry modifications with parameters that are recognizable by said client; (see Mayer Paragraph [0067], lines 5-7; Paragraph [0077], lines 6-7; Paragraph [0092], lines 1-4: parameterized configuration data)and
- d) Mayer discloses providing data set creation means for processing said parameterized system registry modifications to create a data set suitable for

streaming said parameterized system registry modifications. (see Mayer Paragraph [0067], lines 5-7; Paragraph [0077], lines 6-7; Paragraph [0092], lines 1-4: parameterized configuration data) over said network such that said application program is capable of beginning execution on said client prior to downloading all of said application program. (see Eylon col. 3, lines 52-56: application can begin execution before download of entire application)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Cheng** to utilize parameterized configuration data for system installations and updates as taught by **Mayer**, and to profile a program by capturing and analyzing a sequence of file blocks during execution as taught by **Eylon**. One of ordinary skill in the art would be motivated to employ Mayer in order to optimize the dynamic configuration process for a network system. (see Mayer Paragraph [0014], lines 1-5: “*... an improved and automated configuration process that permits dynamic reconfiguration of a desktop based upon policy changes and desktop technology configuration changes ...*”), and to employ the invention of Eylon in order to improve and enhance the techniques used in the installation and monitoring of application installations over a network environment. (see Eylon col. 3, lines 3-4: “*...an improved technique of delivering applications to a client for local execution has been developed ...*”).

Regarding Claims 2, 15, 28, 41, Cheng discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said data set creation means creates a runtime data set, said runtime data set consists of all regular application files and

directories containing information about said regular application files. (see Cheng col. 10, lines 55-59)

Regarding Claims 3, 16, 29, 42, Cheng discloses the process, apparatus, method of claims 2, 15, 28, 41, wherein said data set creation means creates an initialization data set that is the first set of data streamed from said server to said client, said initialization data set prepares said client for streaming of said runtime data set. (see Cheng col. 15, lines 21-24; col. 15, lines 32-36)

Regarding Claims 4, 17, 30, 43, Cheng discloses the process, apparatus, method of claims 2, 15, 28, 41, wherein said directories contain lists of file names, file numbers, and the metadata associated with the files in a particular directory. (see Cheng col. 3, lines 19-25)

Regarding Claims 5, 18, 31, 44, Cheng discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said data set creation means creates a versioning table that contains a list of root file numbers and version numbers for tracking application patches and upgrades, and wherein each entry in said versioning table corresponds to one patch level of an application with a corresponding new root directory. (see Cheng col. 10, lines 26-32)

Regarding Claims 6, 19, 32, 45, Cheng discloses the process, apparatus,

method of claims 5, 18, 31, 44, wherein said versioning table is sent to said client by said server, said client compares said versioning table with said client's root file number for the particular application program to find the necessary files required for a software upgrade or patch. (see Cheng col. 3, lines 53-59: where it determines files required for installation.)

Regarding Claims 7, 20, 33, 46, Cheng discloses the process, apparatus, method of claims 1, 14, 27, 40, further comprising the step of: providing a user interface that allows an operator to examine all changes made to said local computer system during said installation process and to edit said system modification data and said file modification data. (see Cheng col. 9, lines 32-42: where GUI to examine installation data)

Regarding Claims 8, 21, 34, 47, Cheng discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said installation monitoring means monitors said application program as it runs and is being configured for a particular working environment on said local computer system and records common configurations of said application program thereby allowing said common configurations to be automatically duplicated on other client machines. (see Cheng col. 10, lines 55-59: Application configuration data and installation files is downloaded; setup can be duplicated on multiple machines)

Regarding Claims 9, 22, 35, 48, Cheng discloses an application installation apparatus which monitors the installation process, logs installation modifications and events, and saves the system's initial state before installation. (see Cheng col. 15, lines 37-41: *"Installation 212 is monitored by the install monitor ... install monitor 910 documents the state of the client computer 101 prior to installation and the changes made during the installation of a software update ... "*) Cheng does not disclose the process program profile by capturing a sequence of file blocks. However, Eylon discloses the process, apparatus, method of claims 1, 14, 27, 40, further comprising the step of: program profiling means for capturing the sequence of file blocks being accessed during normal execution of said application program. (see Eylon col. 4, lines 37-42: profile an application program for later optimization of processing)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cheng to profile a program by capturing and analyzing a sequence of file blocks during execution as taught by Eylon. One of ordinary skill in the art would be motivated to employ the invention of Eylon in order to improve and enhance the techniques used in the installation and monitoring of application installations over a network environment. (see Eylon col. 3, lines 3-4)

Regarding Claims 10, 23, 36, 49, Cheng does not disclose process where the pre-captured block are used for cache purposes. However, Eylon discloses the

process, apparatus, method of claims 9, 22, 35, 48, wherein said sequence of file blocks is used to pre-cache frequently used blocks on said client before said application program is first used by a user. (see Eylon col. 4, lines 42-50: Load blocks into cache)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cheng to cache frequently used data blocks as taught by Eylon. One of ordinary skill in the art would be motivated to employ the invention of Eylon in order to enhance the application installation and monitoring capabilities in a network. (see Eylon col. 3, lines 3-4)

Regarding Claims 11, 24, 37, 50, Cheng does not disclose process where the pre-captured block are used to optimize for faster file access with large directories. However, Eylon discloses the process, apparatus, method of claims 9, 22, 35, 48, wherein said sequence of file blocks is used to optimize large directories of files on said client for faster file accesses. (see Eylon col. 3, lines 52-56: Pre-load data to optimize file access.)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cheng reduce time required for file access from large directories as taught by Eylon. One of ordinary skill in the art would be motivated to modify Cheng to employ the invention of Eylon in order to improve the techniques for the installation of applications over a network environment. (see Eylon col. 3, lines 3-4)

Regarding Claims 12, 25, 38, 51, Cheng does not disclose process where the pre-fetched block are acquired based on user input. However, Eylon discloses the process, apparatus, method of claims 9, 22, 35, 48, wherein said sequence of file blocks is tied to specific user input and wherein said client pre-fetches file blocks based on user input to said application program. (see Eylon col. 5, line 65 - col. 6, line 3: Pre-loads file blocks)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cheng pre-fetch application file blocks based on user input as taught by Eylon. One of ordinary skill in the art would be motivated to modify Cheng to employ the invention of Eylon in order to enhance the techniques for the installation of applications over a network. (see Eylon col. 3, lines 3-4)

Regarding Claims 13, 26, 39, 52, Cheng discloses the process, apparatus, method of claims 1, 14, 27, 40, wherein said installation monitoring means records the state of said local computer system before said installation process begins to give a more accurate picture of any modifications that are observed by said installation monitoring means. (see Cheng col. 3, lines 53-54: System state is saved before installation process)

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 9 am - 7 pm.

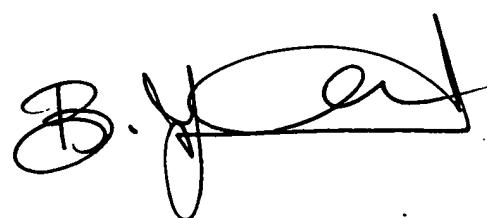
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KHS

Kyung H Shin
Patent Examiner
Art Unit 2143

KHS
May 20, 2005



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PRIMARY EXAMINER